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October 27, 2014

**VIA ELECTRONIC FILING**  
**AND REGULAR MAIL**

Hon. Katharine S. Hayden, U.S.D.J.  
United States District Court, District of New Jersey  
Frank R. Lautenberg U.S. P.O. &  
Courthouse Building  
Room 311  
Newark, NJ 07102

Re: American B.D. Company v. Local 863 International Brotherhood of Teamsters Pension  
PlanI; Civil Action No.: 2:13-cv-03699(KSH)(CLW)  
Our File No.: 12073.2000

Dear Judge Hayden:

We represent the plaintiff, American B.D. Company in the above-captioned matter.

Pursuant to the October 20, 2014 Text Order, I am submitting this correspondence on behalf of Plaintiff American B.D. Company setting forth its position on why the pending dispositive motions in this case should not be administratively terminated pending a decision in the Third Circuit in the matter on appeal from Judge Linares in the matter of *Bd. Of Trustees of IBT Local 863 Pension Fund v. C&S Wholesale Grocers Inc./Woodbridge Logistics LLC*. I recollect that there are multiple issues on appeal while the *American B.D.* summary judgment motion and cross-motion involve only one of the issues on appeal.

Our office does not represent a party in, and has no knowledge of the status of the appeal and cross-appeal in the *C&S* case. Our basic question is what effect the administrative termination of motions for summary judgment would have upon the status of the pending *American B. D* case absent an accompanying stay of the entire matter. If the purpose of the administrative termination of the motions is to obtain appellate guidance on the underlying legal issues, we recommend that

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the entire case be stayed pending resolution of the *C&S* case by the Third Circuit in lieu of merely terminating the pending dispositive motions.

Respectfully submitted

*s/Robert E. Levy*

ROBERT E. LEVY

For the Firm

REL/aka

cc: Kenneth Nowak, Esq. – via electronic filing only